

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS  
EASTERN DIVISION

FEB 24 2014

JAMES W. MCCORMACK, CLERK  
By: SWS  
DEP. CLERK  
**PLAINTIFF**

**GLORIA MICHELLE SELF**

**VS.**

**CASE NO.** 2:14 cv 24 KGB

**BOYD GAMING CORPORATION, D/B/A  
SAM'S TOWN HOTEL & CASINO - TUNICA**

**DEFENDANTS**

**DEFENDANT'S MOTION TO DISMISS**

Defendant, misnamed as Boyd Gaming Corporation d/b/a Sam's Town Hotel & Casino – Tunica (“Defendant”), by and through its attorneys, Rose Law Firm, a Professional Association, for its Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(2), states:

1. This matter involves an alleged personal injury claim. All allegations related to Plaintiff's claims arise out of actions that occurred exclusively in Mississippi.
2. Plaintiff Gloria Michelle Self (“Plaintiff”) alleges that she is a resident of Arkansas.
3. Defendant is a Nevada corporation not licensed to do business in the State of Arkansas. Defendant conducts no business in the State of Arkansas.
4. Defendant has no physical place of business in the State of Arkansas. Furthermore, Defendant has no property, bank accounts, business operations, agents or employees in the State of Arkansas.
5. Boyd Tunica, Inc., not a party to this suit, operates gaming casinos in the State of Mississippi.
6. Defendant has insufficient contacts with the State of Arkansas to allow this Court to exercise personal jurisdiction over it. Subjecting Defendant to suit in Arkansas would exceed

the jurisdictional parameters set out by the Due Process Clause of the United States Constitution, as well as the statutory authority set forth in Ark. Code Ann. § 16-4-101.

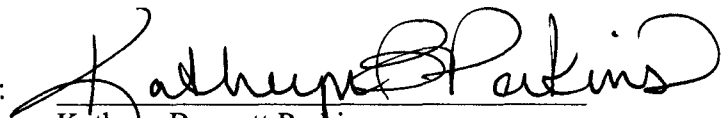
7. Defendant is an improperly named party in this action. Although Boyd Gaming Company is the parent of Boyd Tunica, Inc., a company which operates a gaming casino in the State of Mississippi, Boyd Gaming Corporation does not manage or control the daily operations of Boyd Tunica, Inc. Accordingly, it has no role in this lawsuit.

WHEREFORE, for the reasons set forth herein and in the accompanying brief in support of this Motion, misnamed Defendant Boyd Gaming Corporation d/b/a Sam's Town Hotel & Casino – Tunica respectfully requests that the Court grant its Motion to Dismiss, dismiss with prejudice the Plaintiff's Complaint, award Defendant its costs and attorneys' fees and award it all other just and proper relief to which it may be entitled.

Respectfully submitted,

ROSE LAW FIRM,  
A PROFESSIONAL ASSOCIATION  
120 East Fourth Street  
Little Rock, Arkansas 72201  
(501) 375-9131 | Telephone  
(501) 375-1309 | Facsimile

By:

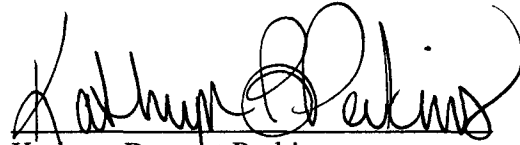


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**CERTIFICATE OF SERVICE**

I, Kathryn Bennett Perkins, do hereby certify that on this <sup>24<sup>th</sup></sup> day of February, 2014, I presented a true and correct copy of the foregoing MOTION TO DISMISS for filing and uploading to the CM/ECF system, which shall send notice of electronic filing to the following counsel of record:

Louis A. Etoch  
Attorney for Plaintiff  
P.O. Box 100  
Helena, Arkansas 72342

  
Kathryn Bennett Perkins